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LATANYA WILLIAMS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

LATANYA WILLIAMS,

Plaintiff,

vs.

SYPHON ENTERPRISES, LLC D/B/A
CANABRU COFFEE; RANCHO DEL
CHINO NORTH, LLC; and DOES 1 to 10,
Defendants.

Case No.:

COMPLAINT FOR INJUNCTIVE
RELIEF AND DAMAGES FOR DENIAL
OF CIVIL RIGHTS OF A DISABLED
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES;
2. CALIFORNIA'S UNRUH CIVIL
RIGHTS ACT;
3. CALIFORNIA'S DISABLED
PERSONS ACT;
4. CALIFORNIA HEALTH & SAFETY
CODE;
5. NEGLIGENCE

Plaintiff LATANYA WILLIAMS ("Plaintiff") complains of Defendants SYPHON ENTERPRISES, LLC D/B/A CANABRU COFFEE; RANCHO DEL CHINO NORTH, LLC; and DOES 1 to 10 ("Defendants") and alleges as follows:

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PARTIES

1
2 1. Plaintiff is a California resident with a physical disability. Plaintiff is
3 substantially limited in her ability to walk. Plaintiff is a paraplegic due to T9 spinal cord
4 injury and requires the use of a wheelchair at all times when traveling in public.

5 2. Defendants are, or were at the time of the incident, the real property owners,
6 business operators, lessors and/or lessees of the real property for CANABRU COFFEE
7 (“Business”) located at or about 14521 Ramona Ave., Chino, California.

8 3. The true names and capacities, whether individual, corporate, associate or
9 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,
10 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of
11 Court to amend this Complaint when the true names and capacities have been
12 ascertained. Plaintiff is informed and believes and, based thereon, alleges that each such
13 fictitiously named Defendants are responsible in some manner, and therefore, liable to
14 Plaintiff for the acts herein alleged.

15 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant
16 times, each of the Defendants was the agent, employee, or alter-ego of each of the other
17 Defendants, and/or was acting in concert with each of the other Defendants, and in doing
18 the things alleged herein was acting with the knowledge and consent of the other
19 Defendants and within the course and scope of such agency or employment relationship.

20 5. Whenever and wherever reference is made in this Complaint to any act or
21 failure to act by a defendant or Defendants, such allegations and references shall also be
22 deemed to mean the acts and failures to act of each Defendant acting individually, jointly
23 and severally.

24 **JURISDICTION AND VENUE**

25 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and
26 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*
27 *seq.*)
28

1 to the Business and caused her difficulty and frustration. Plaintiff wishes to return and
 2 patronize the Business, however, Plaintiff is deterred from visiting the Business because
 3 her knowledge of these violations prevents her from returning until the barriers are
 4 removed.

5 15. Based on the violations, Plaintiff alleges, on information and belief, that
 6 there are additional barriers to accessibility at the Business after further site inspection.
 7 Plaintiff seeks to have all barriers related to her disability remedied. *See Doran v. 7-*
 8 *Eleven, Inc.* 524 F.3d 1034 (9th Cir. 2008).

9 16. In addition, Plaintiff alleges, on information and belief, that Defendants
 10 knew that particular barriers render the Business inaccessible, violate state and federal
 11 law, and interfere with access for the physically disabled.

12 17. At all relevant times, Defendants had and still have control and dominion
 13 over the conditions at this location and had and still have the financial resources to
 14 remove these barriers without much difficulty or expenses to make the Business
 15 accessible to the physically disabled in compliance with ADDAG and Title 24
 16 regulations. Defendants have not removed such barriers and have not modified the
 17 Business to conform to accessibility regulations.

18 **FIRST CAUSE OF ACTION**

19 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

20 18. Plaintiff incorporates by reference each of the allegations in all prior
 21 paragraphs in this complaint.

22 19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual
 23 shall be discriminated against on the basis of disability in the full and equal enjoyment of
 24 the goods, services, facilities, privileges, advantages, or accommodations of any place of
 25 public accommodation by any person who owns, leases, or leases to, or operates a place
 26 of public accommodation. *See* 42 U.S.C. § 12182(a).

27 20. Discrimination, *inter alia*, includes:
 28

- 1 a. A failure to make reasonable modification in policies, practices, or
2 procedures, when such modifications are necessary to afford such
3 goods, services, facilities, privileges, advantages, or accommodations
4 to individuals with disabilities, unless the entity can demonstrate that
5 making such modifications would fundamentally alter the nature of
6 such goods, services, facilities, privileges, advantages, or
7 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 8 b. A failure to take such steps as may be necessary to ensure that no
9 individual with a disability is excluded, denied services, segregated or
10 otherwise treated differently than other individuals because of the
11 absence of auxiliary aids and services, unless the entity can
12 demonstrate that taking such steps would fundamentally alter the
13 nature of the good, service, facility, privilege, advantage, or
14 accommodation being offered or would result in an undue burden. 42
15 U.S.C. § 12182(b)(2)(A)(iii).
- 16 c. A failure to remove architectural barriers, and communication barriers
17 that are structural in nature, in existing facilities, and transportation
18 barriers in existing vehicles and rail passenger cars used by an
19 establishment for transporting individuals (not including barriers that
20 can only be removed through the retrofitting of vehicles or rail
21 passenger cars by the installation of a hydraulic or other lift), where
22 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- 23 d. A failure to make alterations in such a manner that, to the maximum
24 extent feasible, the altered portions of the facility are readily
25 accessible to and usable by individuals with disabilities, including
26 individuals who use wheelchairs or to ensure that, to the maximum
27 extent feasible, the path of travel to the altered area and the
28 bathrooms, telephones, and drinking fountains serving the altered

1 area, are readily accessible to and usable by individuals with
2 disabilities where such alterations to the path or travel or the
3 bathrooms, telephones, and drinking fountains serving the altered
4 area are not disproportionate to the overall alterations in terms of cost
5 and scope. 42 U.S.C. § 12183(a)(2).

6 21. The side wall grab bar shall be 42 inches (1065 mm) long minimum, located
7 12 inches (305 mm) maximum from the rear wall and extending 54 inches (1370 mm)
8 minimum from the rear wall. 2010 ADA Standards § 604.5.1. The rear wall grab bar
9 shall be 36 inches (915 mm) long minimum and extend from the centerline of the water
10 closet 12 inches (305 mm) minimum on one side and 24 inches (610 mm) minimum on
11 the other side. 2010 ADA Standards § 604.5.2

12 22. Here, Defendants failed to properly install the rear grab bar as the one
13 provided did not extend at least 12 inches from the centerline of the toilet and from the
14 side of the wall. The bar also did not extend at least 24 inches from the centerline of the
15 toilet and from open side.

16 23. The *space* between the wall and the grab bar shall be 1½ inches (38 mm).
17 The *space* between the grab bar and projecting objects below and at the ends shall be 1½
18 inches (38 mm) minimum. The *space* between the grab bar and projecting objects above
19 shall be 12 inches (305 mm) minimum. 2010 ADA Standards § 609.3.

20 24. Here, Defendants failed to properly install the toilet cover dispenser as the
21 one provided had less than 12 inches clearance between the bar and dispenser.

22 25. Toilet paper dispensers shall comply with 309.4 and shall be 7 inches (180
23 mm) minimum and 9 inches (230 mm) maximum in front of the water closet measured to
24 the centerline of the dispenser. The outlet of the dispenser shall be 15 inches (380 mm)
25 minimum and 48 inches (1220 mm) maximum above the finish floor and shall not be
26 located behind grab bars. Dispensers shall not be of a type that controls delivery or that
27 does not allow continuous paper flow. 2010 ADA Standards § 604.7.
28

1 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,
2 places of public accommodations, amusement, or resort, and other places in which the
3 general public is invited, subject only to the conditions and limitations established by
4 law, or state or federal regulation, and applicable alike to all persons.

5 40. California Civil Code § 54.3(a) states, “Any person or persons, firm or
6 corporation who denies or interferes with admittance to or enjoyment of public facilities
7 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an
8 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for
9 the actual damages, and any amount as may be determined by a jury, or a court sitting
10 without a jury, up to a maximum of three times the amount of actual damages but in no
11 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be
12 determined by the court in addition thereto, suffered by any person denied the rights
13 provided in Section 54, 54.1, and 54.2.

14 41. California Civil Code § 54(d) specifies, “a violation of the right of an
15 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also
16 constitute a violation of this section, and nothing in this section shall be construed to limit
17 the access of any person in violation of that act.

18 42. The actions and omissions of Defendants alleged herein constitute a denial
19 of full and equal accommodation, advantages, and facilities by physically disabled
20 persons within the meaning of California Civil Code § 54. Defendants have
21 discriminated against Plaintiff in violation of California Civil Code § 54.

22 43. The violations of the California Disabled Persons Act caused Plaintiff to
23 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for
24 statutory damages as specified in California Civil Code §55.56(a)-(c).

25 **FOURTH CAUSE OF ACTION**

26 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

27 44. Plaintiff incorporates by reference each of the allegations in all prior
28 paragraphs in this complaint.

1 45. Plaintiff and other similar physically disabled persons who require the use of
2 a wheelchair are unable to use public facilities on a “full and equal” basis unless each
3 such facility is in compliance with the provisions of California Health & Safety Code §
4 19955 et seq. Plaintiff is a member of the public whose rights are protected by the
5 provisions of California Health & Safety Code § 19955 et seq.

6 46. The purpose of California Health & Safety Code § 1995 et seq. is to ensure
7 that public accommodations or facilities constructed in this state with private funds
8 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of
9 Title 1 of the Government Code. The code relating to such public accommodations also
10 require that “when sanitary facilities are made available for the public, clients, or
11 employees in these stations, centers, or buildings, they shall be made available for
12 persons with disabilities.

13 47. Title II of the ADA holds as a “general rule” that no individual shall be
14 discriminated against on the basis of disability in the full and equal enjoyment of goods
15 (or use), services, facilities, privileges, and accommodations offered by any person who
16 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).
17 Further, each and every violation of the ADA also constitutes a separate and distinct
18 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an
19 award of damages and injunctive relief pursuant to California law, including but not
20 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

21 **FIFTH CAUSE OF ACTION**

22 **NEGLIGENCE**

23 48. Plaintiff incorporates by reference each of the allegations in all prior
24 paragraphs in this complaint.

25 49. Defendants have a general duty and a duty under the ADA, Unruh Civil
26 Rights Act and California Disabled Persons Act to provide safe and accessible facilities
27 to the Plaintiff.
28

50. Defendants breached their duty of care by violating the provisions of ADA, Unruh Civil Rights Act and California Disabled Persons Act.

51. As a direct and proximate result of Defendants' negligent conduct, Plaintiff has suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for relief and judgment against Defendants as follows:

1. For preliminary and permanent injunction directing Defendants to comply with the Americans with Disability Act and the Unruh Civil Rights Act;

2. Award of all appropriate damages, including but not limited to statutory damages, general damages and treble damages in amounts, according to proof;

3. Award of all reasonable restitution for Defendants' unfair competition practices;

4. Reasonable attorney's fees, litigation expenses, and costs of suit in this action;

5. Prejudgment interest pursuant to California Civil Code § 3291; and

6. Such other and further relief as the Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: April 29, 2022

SO. CAL. EQUAL ACCESS GROUP

By: /s/ Jason J. Kim
Jason J. Kim, Esq.
Attorneys for Plaintiff